

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF:

Mario Bourdon, et al.

U.S. Serial No.: 09/701,162

International Application No.: PCT/US98/257/91

Filed: November 22, 2000

For: INHIBITION OF TUMOR GROWTH BY  
MACROPHAGE INTERVENTION

) Group Art Unit: Not yet assigned  
)

) Examiner: Not yet assigned  
)

) Certificate of Express Mailing  
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) I, Karyn F. Massie, hereby certify that this paper or fee is being  
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) service under 37 C.F.R. § 1.10 on the date indicated below and  
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) Washington D.C. 20231, Attention: Office of PCT Legal  
) Administration on October 31, 2002.

) By:   
) Karyn F. Massie  
)

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Attention: Office of PCT Legal Administration

**FOURTH RENEWED PETITION UNDER 37 C.F.R. §1.47(a)**

Responsive to the Notification of Defective Reply dated October 4, 2002, Applicant's submit a Fourth Renewed Petition for acceptance of the above-identified application under 37 C.F.R. §1.47(a). Reconsideration of the Renewed Petition on the merits is respectfully requested.

The undersigned respectfully submits a complete copy of the Declaration executed by the inventors. The Declaration satisfies the requirements of 37 C.F.R. §1.497(a) and (b) and, as such, the requirements set forth on the Notification of Defective Reply dated October 4,


2002. Accordingly, Applicants request that the Petition under 37 C.F.R. § 1.47(a) be granted and that the application be accepted under 35 U.S.C. §371.

The undersigned declares that all statements made herein on personal knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are made punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code on that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Applicants believe that no fee is required. However, if any fees are required, please charge the requisite fee, as set forth in 37 C.F.R. § 1.17(h), for the filing of this Fourth Renewed Petition to deposit account no. 03-3975.

Respectfully submitted,

PILLSBURY WINTHROP LLP

  
Robert M. Bedgood  
Reg. No. 43,488

Date: 10-31-02

**Please send all correspondence to:**  
11682 El Camino Real, Suite 200  
San Diego, CA 92130  
Telephone: (619) 234-5000  
Facsimile: (858) 509-4010  
Direct Line: (858) 509-4065

# LA JOLLA INSTITUTE

## FOR MOLECULAR MEDICINE

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### FACSIMILE TRANSMITTAL SHEET

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TO: JOHN WETHERELL

FROM: MARIO BOURDON

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COMPANY PILLSBURY WINTHROP

DATE: OCTOBER 25, 2002

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FAX: 858-509-4010

NUMBER OF PAGES WITH COVER: 6

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NOTES / COMMENTS:

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4570 Executive Drive, Suite 100  
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Telephone: (858) 587-8788

Fax: (858) 587-6742

Oct-23-02 11:57am From-PILLSBURY CARMEL VLY

T-607 P.01/05 F-284

## PILLSBURY WINTHROP

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Date: October 23, 2002 Must Be Sent By:  
To: Mario A. Bourdon, Ph.D. Fax No: (858) 587-6742  
Company: The La Jolla Institute for Molecular Medicine Phone No: (858) 587-8788 X. 100  
From: John R. Wetherell, Ph.D. Phone No: (858) 509-4022  
User No: 14619 C/M No: 051503/0278735

## Comments:

United States Patent Application Serial No. 09/701,162  
for **INHIBITION OF TUMOR GROWTH BY MACROPHAGE INTERVENTION**

Inventors: Mario A. Bourdon, et al.  
Filing Date: November 22, 2000  
Our Ref. No.: 051503/027 8735

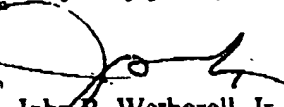
Dear Dr. Bourdon:

Enclosed please find the Declaration and Power of Attorney for Patent Application. Please review the document, sign where indicated and please also have Srirama Rao sign the declaration then return *all pages* via facsimile to the fax number indicated above.

**Confidentiality Note.**  
The documents accompanying this facsimile transmission may contain confidential information which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, or the person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in this transmission is strictly PROHIBITED. If you have received this transmission in error, please immediately notify us by telephone and mail the original transmission to us.  
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If you have any questions, please do not hesitate to contact me.

Very truly yours,

  
John R. Wetherell, Jr., Ph.D.  
Partner

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THE BURNHAM INSTITUTE  
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TO: Dr. J. Wetherell FROM: Dr. E. Deryugina

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☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

## NOTES/COMMENTS:

Dear Dr. J. Wetherell,  
Attached please find the signed  
declaration.

Sincerely, Elena Alfaro

Oct-23-02 12:11pm From-PILLSBURY CARMEL VLY

T-610 P.02/05 F-288

Docket No.  
051503/0278735

# Declaration and Power of Attorney For Patent Application

## English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on November 22, 2000 as United States Application No. or PCT International

Application Number 09/701,162

and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

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Received Oct-23-02 12:56pm

From-619 646 3192

To-PILLSBURY CARMEL VLY

Page 02

I hereby claim the benefit under 35 U.S.C. Section 119(b) of any United States provisional application(s) listed below:

60/067,991

(Application Serial No.)

December 5, 1997

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

US98/25791

(Application Serial No.)

December 4, 1998

(Filing Date)

Abandoned

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

60/067,591December 5, 1997

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

US98/25791December 4, 1998Abandoned

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)  
(patented, pending, abandoned)

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Oct-23-02 11:57am From-PILLSBURY CARMEL VLY

T-607 P.02/05 F-284

Docket No.  
051503/0278735

## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on November 22, 2000 as United States Application No. or PCT International Application Number 09/701,162 and was amended on \_\_\_\_\_

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

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Oct-23-03 12:12pm

From-PILLSBURY CARMEL VLY

Page 4 of 4

Full name of third inventor, if any <b>Pothapragada Srirama Rao</b>	Date
Third inventor's signature	
Residence <b>San Diego, California</b>	
Citizenship <b>Indian</b>	
Post Office Address <b>11959 Alpine Terrace</b>	
<b>San Diego, California 92128</b>	

Full name of fourth inventor, if any <b>Per Bergstrom</b>	Date
Fourth inventor's signature	
Residence <b>La Jolla, California</b>	
Citizenship <b>Swedish</b>	
Post Office Address <b>2325 Camino Del Collado</b>	
<b>La Jolla, California 92039</b>	

Full name of fifth inventor, if any	Date
Fifth inventor's signature	
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	Date
Sixth inventor's signature	
Residence	
Citizenship	
Post Office Address	

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To-PILLSBURY CARMEL VLY Page 05

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T-607 P.04/05 F-284

Page 3 of 4

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Paul N. Kokuls	18773	Kendrew H. Cotton	30368	Roger R. Wise	31204	Anthony L. Miele	34393
G. Lloyd Knight	17698	G. Paul Edgell	24238	Michael R. Dzwonczyk	36787	Robert J. Walters	40862
Kevin E. Joyce	20508	Lynn E. Eccleston	35881	W. Patrick Bengtsson	32456	Brian J. Beatus	38825
George M. Sinila	18221	Timothy J. Klima	34852	Jack S. Bandha	37087	John R. Wetherell	31678
Donald J. Bird	25323	David A. Jakopin	32995	Adam R. Hess	41835	Robert M. Beegood	43488
Dale S. Lazer	28872	Mark G. Paulsen	30783	William P. Atkins	38821	Alan E. Dow	35,123
Paul E. White, Jr.	32011	Stephen C. Glazier	31361	Paul L. Sharer	36084	Jane Babin	47,224
Glenn J. Perry	28458	Richard H. Zanden	27248	Robin L. Teskin	35030	Jame Sze	43,843

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San Francisco, CA 94120

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John R. Wetherell, Ph.D.

Full name of sole or first inventor  
Mario A. Bourdon

Sole or first inventor's signature

Date

Residence

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Citizenship

United States

Post Office Address

1076 Concord Street

San Diego, California 92106

Full name of second inventor, if any  
Elena Deryugina

Second inventor's signature

Date

Residence

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Citizenship

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San Diego, California 92122

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Paul N. Kokujic	16773	Kendrew H. Condon	30888	Roger R. Wile	31204	Anthony L. Miele	34353
G. Lloyd Knight	17688	G. Paul Edgell	24238	Michael R. Dzwozzyk	36787	Robert J. Walters	40882
Kevin E. Joyce	20608	Lynn E. Eccleston	36881	W. Patricia Bengtsson	32456	Brian J. Bantus	38825
George M. Sinus	18221	Timothy J. Kuntz	34882	Jack S. Banika	37087	John R. Wetherell	31878
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Dale S. Lazar	28872	Mark G. Paulson	30793	William P. Atkins	38821	Alan E. Dow	35,123
Paul E. White, Jr	32011	Stephen C. Glazier	31351	Paul L. Snarer	36004	Jane Babin	47,224
Glen J. Perry	28456	Richard H. Ziegen	27246	Rapun L. Teskin	35030	James Sze	43,943

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San Francisco, CA 94120

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John R. Wetherell, Ph.D.

Full name of sole or first inventor	
Mario A. Bourdoo	Date
Sole or first inventor's signature	
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Citizenship	
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San Diego, California 92106	

2-00

Full name of second inventor, if any	
Elena Deryugina	Date
Second inventor's signature	10/23/02
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Citizenship	
Russian	
Post Office Address	
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San Diego, California 92122	

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Page 4 of 4

300 Full name of third inventor, if any  
**Pothapragada Srirama Rao**

Third inventor's signature

Date

Residence

**San Diego, California**

Citizenship

**Indian**

Post Office Address

**11959 Alpine Terrace****San Diego, California 92128**

400 Full name of fourth inventor, if any

**Per Borestrom**

Fourth inventor's signature

Date

Residence

**La Jolla, California**

Citizenship

**Swedish**

Post Office Address

**2325 Camino Del Collado****La Jolla, California 92039**

Full name of fifth inventor, if any

Fifth inventor's signature

Date

Residence

Citizenship

Post Office Address

Full name of sixth inventor, if any

Sixth inventor's signature

Date

Residence

Citizenship

Post Office Address